

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 12, 2016**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Office of the County Executive, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

Council Member Keegan-Ayer moved to approve the agenda as presented. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-16-136 – Align FY 2016 Capital Grant to Accept Proceeds from Vehicle Sales – Nancy Norris, Transit Services Division
- #BT-16-137 – FY 2016 Matching Fund Grant Award – Tom Owens, Fire and Rescue Services Division

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MEETING MINUTES
Tuesday, January 12, 2016**

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Business Items:

Proposed Designation of Captain Samuel Cock Farmstead, 7701 Dance Hall Road, Frederick, to the Frederick County Register of Historic Places (#CR15-03) (Public Hearing held 1/5/2016) – Council President Bud Otis

Council Member Keegan-Ayer moved to approve placing of the Captain Samuel Cock Farmstead on the Frederick County Register of Historical Places. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Several Council Members explained their reasons for the affirmative votes to approve the historic designation for the property.

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First Reading Calendar:

Introduction of a Bill to Amend Special Exception Uses in Connection with Historic Structures and Sites – Council Member Jessica Fitzwater (Sponsor) and Council Member Jerry Donald (Co-sponsor)

Council Member Fitzwater introduced the proposed bill regarding special exception uses in connection with historic structures and sites.

Council Member Otis advised the public that proposed bill would be scheduled for a public hearing at a later date.

Introduction of a Bill to Allow Medical Cannabis Grower as a Permitted Use, with Special Exception Approval, in the Agricultural Zoning District – Council Vice-President M.C. Keegan-Ayer (Sponsor)

Council Vice-President Keegan-Ayer introduced a proposed bill that would allow Medical Cannabis Grower as a permitted use, with Special Exception approval, in the Agricultural Zoning District.

Council Vice-President Keegan-Ayer noted there was an additional recommendation by staff:

§ 1-19-8.351. MEDICAL CANNABIS GROWER IN THE AGRICULTURAL DISTRICT.

(A)

(1) The premises may not be located within 1,000 feet of a dwelling, the lot line of a public or private school, or the lot line of real property owned by the Board of Education. **This setback may be modified by the approving body.**

Council Member Otis advised the public that the proposed bill would be scheduled for a public hearing at a later date.

Introduction of a Bill to Amend Chapter 1-7.1 of the County Code (Ethics) – Council President Bud Otis (Sponsor)

Council President Otis introduced a proposed bill regarding an amendment to the Frederick County Code, Chapter 1-7,1: Ethics.

Council Member Otis advised the public that the proposed bill would be scheduled for a public hearing at a later date.

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Motion to go into Closed Session

Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Topic: To discuss with the County Attorney the possible settlement of threatened litigation.

Council Member Keegan-Ayer moved to go into closed session. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Public Comments

- Richard Kaplowitz
- Joe Parsley
- Craig Giangrand
- Martha Hartwell
- Mark Long

Council Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 5:20 p.m.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 12, 2016**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 12, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

5:25 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To discuss with the County Attorney the possible settlement of threatened litigation.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 12, 2016**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 19, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 12, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

5:25 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Chomel, L. Depies, and R. Cherney.

Topic to be Discussed:

To discuss with the County Attorney the possible settlement of threatened litigation.

Action Taken:

No action was taken.

Bud Otis, President
County Council